

REMARKS/ARGUMENTS

Amendments in General

Claim 1 has been amended to specify that the sterilization cassette has a pair of opposing side walls, each of which “being fixedly attached to edges of said bottom wall and oriented essentially perpendicular to said bottom wall and said opposing end walls,” and to specify that the sterilization cassette “further ha[s] a plurality of extensions attached to said top cover, said extensions extending away from said top cover, said extensions being oriented essentially perpendicularly to said top cover, said bottom wall, and said pair of opposing end walls, each of said extensions being configured to overlap a portion of one of said pair of opposing side walls when said top cover is in said closed position, said extensions being further configured to be of a greater height than said top cover when said top cover is laid flat upon said same surface upon which said bottom wall also rests.” Claim 1 has also been amended in response to the Examiner’s rejections based on 35 U.S.C. § 112, as will be discussed below.

Similarly, claim 25 has been amended to specify that the assembly of two hinges is for use on a container having pairs of opposing sides wherein “at least a first pair of opposing sides [is] fixedly attached to edges of said bottom and oriented essentially perpendicular to said bottom and perpendicular to a second pair of opposing sides” where the latch assemblies are located on the first pair of opposing sides, and to specify that the container further has “a plurality of extensions attached to said top, said extensions extending away from said top, said extensions being oriented essentially perpendicular to said top, said bottom, and said second pair of opposing sides, each of said extensions being configured to overlap a portion of said first pair of opposing sides when said top is in said closed position, said extensions being further configured to be of a greater height than said top when said container is in said first open position.”

These amendments add no new matter in that they are supported by the specification and drawings as originally presented. *See Specification*, ¶¶ 39, 42; *Figures 2–4*.

Claim Rejections – 35 U.S.C. § 112

The Examiner rejected claim 1 under 35 U.S.C. § 112, first paragraph. The referenced language from claim 1 has been deleted.

Claim Rejections – 35 U.S.C. § 102

Claims 25 and 30–31

The Examiner rejected claims 25 and 30 through 31 under 35 U.S.C. § 102(b) as being anticipated by the instrument cleaning cassette with guided double hinge described in U.S. Patent Number 5,482,067 (the Wittrock patent).

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as contained in the . . . claim.” *Richardson v. Suzuki Motor Co.*, 828 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). MPEP § 2131.

Claim 25 has been amended to specify that the assembly of two hinges is for use on a container having pairs of opposing sides wherein “at least a first pair of opposing sides [is] fixedly attached to edges of said bottom and oriented essentially perpendicular to said bottom and perpendicular to a second pair of opposing sides” where the latch assemblies are located on the first pair of opposing sides, and to specify that the container further has “a plurality of extensions attached to said top, said extensions extending away from said top, said extensions being oriented essentially perpendicular to said top, said bottom, and said second pair of opposing sides, each of said extensions being configured to overlap a portion of said first pair of opposing sides when said top is in said closed position, said extensions being further configured to be of a greater height than said top when said container is in said first open position.” Because they depend on claim 25, claims 30 and 31 include this limitation.

Wittrock describes an instrument-cleaning cassette that has two tabs (figure 1:72), located next to one another, that snap over the wall beneath when the frames are aligned. *See Wittrock*, col. 5, lines 58–61. The Examiner contends that the snap-over walls (figure 1: 16, 24) constitute opposing side walls. Claim 25 has been amended to clarify that the feature claimed by that claim is a pair of opposing sides that are attached to edges of the bottom and oriented essentially perpendicular to the bottom and perpendicular to a second pair of opposing sides. The snap-over walls in Wittrock do not both attached to edges of the bottom. Rather, one is attached to the bottom, and another is attached to the top. Accordingly, Wittrock does not teach all the limitations of claim 25 as amended or of claims 30 and 31, in light of the amendments to claim 25.

Wittrock further does not describe the limitation of claim 25 as amended of a container including “a plurality of extensions attached to said top, said extensions extending away from said top, said extensions being oriented essentially perpendicular to said top, said bottom, and

said second pair of opposing sides, each of said extensions being configured to overlap a portion of said first pair of opposing sides when said top is in said closed position, said extensions being further configured to be of a greater height than said top when said container is in said first open position.” Thus, again, Wittrock does not each all the limitations of claims 25, 30, and 31.

Accordingly, each and every element of claim 25, as amended, and therefore of claims 30 and 31, are not found in Wittrock. Thus, Wittrock does not anticipate claims 25, 30, and 31.

Claim Rejections - 35 U.S.C. § 103

Claims 1 and 26

The Examiner rejected claims 1 and 26 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Wittrock in view of the double hinge counter-weight cover assembly described in U.S. Patent Number 4,535,908 (the Dabich patent). The Examiner contends that modifying the instrument cleaning cassette with guided double hinge of Wittrock so as to include the features taught by Dabich would result in the present invention, with each and every element thereof.

As for the obviousness rejection of claim 1, claim 1 has been amended to specify that the sterilization cassette has a pair of opposing side walls, each of which “being fixedly attached to edges of said bottom wall and oriented essentially perpendicular to said bottom wall and said opposing end walls,” and to specify that the sterilization cassette “further ha[s] a plurality of extensions attached to said top cover, said extensions extending away from said top cover, said extensions being oriented essentially perpendicularly to said top cover, said bottom wall, and said pair of opposing end walls, each of said extensions being configured to overlap a portion of one of said pair of opposing side walls when said top cover is in said closed position, said extensions being further configured to be of a greater height than said top cover when said top cover is laid flat upon said same surface upon which said bottom wall also rests.” In light of this amendment, applicant respectfully contends that claim 1, as amended, is not obvious over Wittrock in view of Dabich.

As explained above, Wittrock does not teach the limitations of the amend claim 1. Further, Wittrock does not even imply the inclusion of such limitations. Additionally, Dabich likewise does not teach or even imply these limitations. After all, Wittrock does not have extensions configured to be of a greater height than the top cover when the top cover is laid flat upon the same surface upon which the bottom wall rests. Dabich neither includes nor implies these features particularly because it has no side walls or bottom wall.

Thus, in this case, Wittrock and Dabich, when combined, do not include all of the claim limitations of claim 1 as amended, nor would it have been obvious to one of ordinary skill in the

art at the time the invention was made to further modify Wittrock and Dabich to include all such limitations. Accordingly, Applicant respectfully contends that claim 1, as amended, is not obvious over Wittrock in view of Dabich.

As to the obviousness rejection of claim 26, claim 26 depends on claim 25, which has been amended in a manner similar to claim 1 to specify that the assembly of two hinges is for use on a container having pairs of opposing sides wherein “at least a first pair of opposing sides [is] fixedly attached to edges of said bottom and oriented essentially perpendicular to said bottom and perpendicular to a second pair of opposing sides” where the latch assemblies are located on the first pair of opposing sides, and to specify that the container further has “a plurality of extensions attached to said top, said extensions extending away from said top, said extensions being oriented essentially perpendicular to said top, said bottom, and said second pair of opposing sides, each of said extensions being configured to overlap a portion of said first pair of opposing sides when said top is in said closed position, said extensions being further configured to be of a greater height than said top when said container is in said first open position.” This amendment is similar to that made to claim 1. Accordingly, for the same reasons that claim 1 as amended is not obvious over Wittrock in view of Dabich, claim 26 is not obvious over Wittrock in view of Dabich, due to claim 26’s dependence on claim 25, as amended.

Claim 27

The Examiner rejected claim 27 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Wittrock in view of the disposable syringe needle separation and storage box described in U.S. Patent Number 4,576,281 (the Kirksey patent). The Examiner contends that modifying the instrument cleaning cassette with guided double hinge of Wittrock so as to include the features taught by Kirksey would result in the present invention, with each and every element thereof.

Claim 27 depends on claim 25. As noted above, claim 25 has been amended to specify that the assembly of two hinges is for use on a container having pairs of opposing sides wherein “at least a first pair of opposing sides [is] fixedly attached to edges of said bottom and oriented essentially perpendicular to said bottom and perpendicular to a second pair of opposing sides” where the latch assemblies are located on the first pair of opposing sides, and to specify that the container further has “a plurality of extensions attached to said top, said extensions extending away from said top, said extensions being oriented essentially perpendicular to said top, said bottom, and said second pair of opposing sides, each of said extensions being configured to overlap a portion of said first pair of opposing sides when said top is in said closed position, said extensions being further configured to be of a greater height than said top when said container is in said first open position.” In light of this amendment, Applicant respectfully contends that

claim 27, because of its dependence on claim 25 as amended, is not obvious over Wittrock in view of Kirksey.

As explained before, the cassette in Wittrock does not contain the referenced limitations of claim 25 as amended, nor would it have been obvious to one skilled in the art to modify Wittrock to include such limitations because Wittrock does not so much as imply these limitations. Likewise, Kirksey does not contain the referenced limitations. Most clearly, it does not contain extensions attached to the top. Further, there is no motivation or suggestion to modify Kirksey to include such limitations.

Because neither Wittrock nor Kirksey include the reference limitations of claim 25, as amended, Wittrock and Kirksey, when combined, do not include all the claim limitations of claim 27, nor would it have been obvious to one skilled in the art at the time of invention to further modify either Wittrock or Kirksey to include the referenced limitations of claim 25, as amended, and therefore of claim 27. Accordingly, Applicant respectfully contends that claim 27, in light of the amendments to claim 25, is not obvious over Wittrock in view of Kirksey.

Claims 28–29

The Examiner rejected claims 28 and 29 under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Wittrock in view of the double hinge cap described in U.S. Patent Number 4,723,693 (the DeCoster patent). The Examiner contends that modifying the instrument cleaning cassette with guided double hinge of Wittrock so as to include the features taught by DeCoster would result in the present invention, with each and every element thereof.

Claims 28 and 29 depend on claim 25. As noted above, claim 25 has been amended to specify that the assembly of two hinges is for use on a container having pairs of opposing sides wherein “at least a first pair of opposing sides [is] fixedly attached to edges of said bottom and oriented essentially perpendicular to said bottom and perpendicular to a second pair of opposing sides” where the latch assemblies are located on the first pair of opposing sides, and to specify that the container further has “a plurality of extensions attached to said top, said extensions extending away from said top, said extensions being oriented essentially perpendicular to said top, said bottom, and said second pair of opposing sides, each of said extensions being configured to overlap a portion of said first pair of opposing sides when said top is in said closed position, said extensions being further configured to be of a greater height than said top when said container is in said first open position.” In light of this amendment, Applicant respectfully contends that claims 28 and 29, because of their dependence on claim 25, as amended, are not obvious over Wittrock in view of DeCoster.

As discussed above, Wittrock does not contain the referenced limitations of claim 25 as amended, nor would such modifications to Wittrock have been obvious to one skilled in the art. Likewise, the double hinge cap described in the DeCoster patent does not include all of these limitations, nor would it have been obvious to one skilled in the art to so modify DeCoster. Most notably, DeCoster does not include a bottom or extensions connected to a top.

Because neither Wittrock nor DeCoster include the referenced limitations of claim 25 as amended, Wittrock and DeCoster, when combined, do not include all the claim limitations of claim 25, as amended, and therefore do not include all the claim limitations of claims 28 and 29. Nor is there any reason to believe that it would have been obvious to one skilled in the art at the time of the invention to further modify Wittrock or DeCoster to include the referenced limitations of claim 25, as amended. Accordingly, Applicant respectfully contends that claims 28 and 29, in light of the amendments to claim 25, are not obvious over Wittrock in view of DeCoster.

In view of the above remarks and amendments, which add no new matter, Applicant respectfully submits that the present invention is patentable and respectfully requests the same.

Conclusion

If the Examiner feels it would advance the application to allowance or final rejection, the Examiner is invited to telephone the undersigned at the number given below.

Reconsideration and allowance of the application as amended is respectfully requested.

DATED this 1st day of April, 2008.

Very respectfully,

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